

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of C.D., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20050629-CA
	)	
G.D.,	)	F I L E D
	)	(October 6, 2005)
Appellant,	)	
	)	2005 UT App 427
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Third District Juvenile, Salt Lake Department, 463630  
The Honorable Robert S. Yeates

Attorneys: Jeffrey J. Noland, Salt Lake City, for Appellant  
Mark L. Shurtleff and John M. Peterson, Salt Lake  
City, for Appellee  
Martha Pierce and Tracy S. Mills, Salt Lake City,  
Guardians Ad Litem

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Before Judges Billings, McHugh, and Orme.

PER CURIAM:

G.D. appeals the juvenile court's conclusion in an adjudication order that C.D. is a "child sexually abused by [G.D.] and within the jurisdiction of the court." We affirm.

G.D. contends that there is insufficient evidence to support the juvenile court's conclusion. This argument fails for numerous reasons.

First, rule 54 of the Utah Rules of Appellate Procedure provides in relevant part:

Within four days after filing the notice of appeal, appellant shall request from the appeals clerk in the juvenile court a transcript of such parts of the proceedings as appellant deems necessary for purposes of the appeal. If appellant intends to urge on appeal that a finding or conclusion is unsupported by or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to such finding or conclusion.

Utah R. App. P. 54(a). G.D. failed to comply with the requirements of this rule as he did not request a transcript of the adjudication hearing. Indeed, counsel for appellant noted in his motion for extension of time to file the petition on appeal that "these transcripts are necessary for appeal," yet did not make the necessary arrangements for the same. Therefore, pursuant to rule 54(a), this court need not address G.D.'s sole argument on appeal that there is insufficient evidence to support the conclusion of the juvenile court. See also Bevan v. J.H. Constr. Co., 669 P.2d 442, 443 (Utah 1983) ("In the absence of a transcript, we assume that the proceedings at trial were regular and proper and that the judgment was supported by competent and sufficient evidence.").

Even if the transcript had been provided, G.D.'s appeal would be unavailing. G.D. argues that the juvenile court erred because it based its conclusion regarding child abuse solely on the decision to believe C.D.'s mother's testimony over G.D.'s testimony. We have previously held that "the [juvenile] court is in a better position to observe factors bearing on credibility and we will not disturb a factual assessment unless it clearly appears that the [juvenile] court was in error." In re R.A.F., 863 P.2d 1331, 1333 (Utah Ct. App. 1993). Thus, "we defer to the juvenile court because of its advantaged position with respect to the parties and the witnesses in assessing credibility and personalities." In re S.L., 1999 UT App 390, ¶20, 995 P.2d 17 (quotations and citations omitted); see also In re E.R., 2001 UT App 66, ¶11, 21 P.3d 680 (holding that juvenile court is given "wide latitude of discretion" as to judgments based upon the juvenile court's opportunity to judge credibility, and the juvenile court judge's special training and experience).

Moreover, the juvenile court's conclusion regarding abuse was based not only on the parents' testimony, but on the testimony of a family nurse practitioner, a Division of Child and Family Services case worker, and a West Valley City police officer, along with certain documentary evidence. This evidence

is all set forth clearly in the juvenile court's findings of fact, and these findings support its conclusion regarding abuse.

Affirmed.

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Judith M. Billings,  
Presiding Judge

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge